

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of
Craig K. Hirai
Hawaii Housing Finance and Development Corporation
Before the

HOUSE COMMITTEE ON HOUSING

March 16, 2015 at 8:30 a.m.
State Capitol, Room 329

In consideration of
**H.C.R. 20 APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-944
MEHEULA PARKWAY, NO. 153, MILILANI, HAWAII.**

The HHFDC **supports** H.C.R. 20 **with requested amendments**. HHFDC is seeking legislative approval to sell the leased fee interest in this apartment unit to its leasehold owner. A typographical error in the street address requires correction in the resolution title and in two references in the body of this resolution requires correction. The correct street address number of the property is **94-944** Meheula Parkway, No. 153. Other details in the resolution, including the Tax Map Key number of the unit, are correct. A proposed S.D. 1 is attached for your consideration.

This property is an apartment unit built in 1974 as part of the Nahoa Apartments affordable for-sale development. Only 21 units out of the entire 231-unit development remain in leasehold. The fair market value of the leased fee interest in this unit of June 1, 2014 is \$41,700.

A title search conducted by Title Guaranty of Hawaii on August 1, 2014, showed that the parcel upon which Nahoa Apartments is located was not classified as Government land previous to August 15, 1895.

HHFDC conducted a public meeting on the proposed sale on August 19, 2014, at Mililani High School, Mililani, Hawaii, following publication of notice in the Honolulu Star-Advertiser newspaper on August 14 and 18, 2014. There were no objections to the proposed sale raised at that time.

HHFDC has also worked with the Office of Hawaiian Affairs during the interim to keep them informed of these findings and intent to sell the leased fee interest in this unit. A copy of the draft resolution was provided to OHA on September 30, 2014.

The attached documents provide more information on this property to the Committee:

1. A map showing the general location of Nahoa Apartments;
2. A photo of Nahoa Apartments; and
3. A copy of the title report for the parcel upon which Nahoa Apartments is located.

We respectfully request your favorable consideration of H.C.R. 20, as amended. Thank you for the opportunity to testify.

H.C.R. NO. 20

PROPOSED H.D. 1

HOUSE CONCURRENT RESOLUTION

APPROVING THE SALE OF THE LEASED FEE INTEREST IN 94-944 MEHEULA
PARKWAY, NO. 153, MILILANI, HAWAII.

1 WHEREAS, section 171-64.7, Hawaii Revised Statutes,
2 requires the prior approval of the Legislature by concurrent
3 resolution to sell certain state lands in fee simple; and
4

5 WHEREAS, section 171-64.7(c), Hawaii Revised Statutes,
6 states that "[t]he concurrent resolution shall contain the
7 following information:

- 8 (1) The specific location and size in square feet or in
9 other precise measure of the parcels of land to be
10 sold or given;
- 11 (2) The appraisal value of the land to be sold or given;
- 12 (3) The names of all appraisers performing appraisals of
13 the land to be sold or given;
- 14 (4) The date of the appraisal valuation;
- 15 (5) The purpose for which the land is being sold or given;
- 16 (6) A detailed summary of any development plans for the
17 land to be sold or given; and
- 18 (7) A statement of whether the land is, or is not, land
19 that was classed as government or crown lands previous
20 to August 15, 1895, or was acquired by the State in
21 exchange for such lands, and a detailed explanation of
22 how the state department or agency made this
23 determination.

24 A draft of the concurrent resolution for the prior approval
25 of a sale or gift of land shall also be submitted to the office
26 of Hawaiian affairs at least three months prior to the convening
27 of a regular or special session of the legislature to allow the
28 office to determine whether the land was classed as government
29 or crown lands previous to August 15, 1895, or was acquired by
30 the State in exchange for such lands"; and
31

H.C.R. NO. 20

PROPOSED H.D. 1

1 WHEREAS, pursuant to section 171-64.7(e), Hawaii Revised
2 Statutes, prior to finalizing any proposal for the sale or gift
3 of lands and prior to the submission of the concurrent
4 resolution to the Legislature, an informational briefing on the
5 proposed sale or gift of lands shall be held in the community
6 where the land to be sold or given is located; and
7

8 WHEREAS, the Hawaii Housing Finance and Development
9 Corporation (the "Corporation") desires to sell the leased fee
10 interest in 94-944 Meheula Parkway, No. 153, Mililani, Hawaii,
11 and provides the following information pursuant to section 171-
12 64.7, Hawaii Revised Statutes:

- 13 (1) The property is an apartment unit in the Naha
14 Apartments condominium built in 1975 and is identified
15 as a 764 square foot apartment unit, TMK No. 1-9-4-5-
16 34-0052;
- 17 (2) The leased fee interest in this property was appraised
18 to have a fair market value of \$41,700;
- 19 (3) The property was appraised by Harlin Young & Co, Ltd.;
- 20 (4) The appraisal valuation date is June 1, 2014;
- 21 (5) The primary purpose for the sale of this property is
22 to convey the leased fee interest to its current
23 leasehold owner;
- 24 (6) There is no development plan for this unit, which is a
25 residence; and
- 26 (7) As of August 15, 1895, the property was a portion of
27 Royal Patent No. 5732, Land Commission Award No. 8241
28 to Ioane Ii, and therefore private land; the
29 Corporation's predecessor agency, the Hawaii Housing
30 Authority, acquired title to the property through
31 warranty deed of Mililani Town, Inc., dated October 7,
32 1974, filed as Land Court Document No. 698788; and
33 this was determined by a search of the title records
34 by Title Guaranty of Hawaii on August 1, 2014; and
35

36 WHEREAS, the Corporation duly submitted a draft of the
37 Concurrent Resolution to the Office of Hawaiian Affairs on
38 September 30, 2014, more than three months prior to the opening
39 date of the Regular Session of 2015; and
40
41

H.C.R. NO. 20

PROPOSED H.D. 1

1 WHEREAS, the Corporation duly conducted a public
2 informational briefing on the sale of this parcel on August 19,
3 2014, at the Mililani High School cafeteria, Mililani, Hawaii,
4 following publication of notice of the briefing in the Honolulu
5 Star-Advertiser newspaper on August 14 and 18, 2014; and

6
7 WHEREAS, no objection to the proposed sale was received at
8 the public informational briefing; now, therefore,

9
10 BE IT RESOLVED by the House of Representatives of the
11 Twenty-eighth Legislature of the State of Hawaii, Regular
12 Session of 2015, the Senate concurring, that the sale of the
13 leased fee interest in 94-944 Meheula Parkway, No. 153,
14 Mililani, Hawaii, TMK No. 1-9-4-5-34-0052, is hereby approved;
15 and

16
17 BE IT FURTHER RESOLVED that a certified copy of this
18 Concurrent Resolution be transmitted to the Executive Director
19 of the Corporation.

<https://www.google.com/maps/place/94-944+Meheula+Pkwy,+Mililani,+HI+96789/@21.449231,-158.018864,17z/data=!3m1!4b1!4m2!3m1!1s0x7c0067196fd37...> 1/1



TITLE GUARANTY OF HAWAII

INCORPORATED

235 QUEEN STREET
HONOLULU, HAWAII 96813

Phone No. (808) 533-5874

Residential Title

Fax No. (808) 521-0288

Hawaii Housing Finance and Development
Main Office
677 Queen Street, Suite 300
Honolulu, Hawaii 96813

Attn: Lorna M. Kometani

Re: TMK (1) 9-4-005-034-0052

LIMITED LETTER REPORT

Maximum liability limited to
\$3,500.00

In accordance with your request, we have made a search as to the Fee Simple ownership of the property identified as Tax Map Key (1) 9-4-005-034-0052, and find that the land as of August 15, 1895 was a portion of Royal Patent No. 5732, Land Commission Award No. 8241 to Ioane Ii. HAWAII HOUSING AUTHORITY acquired title through WARRANTY DEED of MILILANI TOWN, INC., a Hawaii corporation, dated October 7, 1974, filed as Land Court Document No. 698788.

1. Land is classified as Private Land as of August 15, 1895.
2. Determination of Land Class is stated through Royal Patent No. 5732, Land Commission Award No. 8241 to Ioane Ii, as attached.

Dated August 1, 2014.

Inquiries concerning this report
Should be directed to
Residential Title Services
Title Guaranty of Hawaii, Inc.
235 Queen Street, Honolulu, HI 96813
Email: RTSCustomerService@tghawaii.com
Fax (808) 521-0288
Telephone (808) 533-5874
Refer to Order No. 201432584

PALAPALA SILA NUI.

KEALII, MA MUI O KA OLELO A KA POE HOONA KULEANA.

Mo ka mea, 'Ua hōhōke na fono Heena i na kumu kuhana aino i ka olelo, he kuhana olelo he kuhana Hele.

No ka mea, ua hahelo no Luma Heona i na kumu kaleana alua i ka laila, he kaula
Kulesog Hele, 22-01
John Li
ma ke mo Kuleana Nui malalo o ke Aio Aloha Iloko o kahi i oleloia malalo, a no ka mea The Privy Council
by a Resolution dated 28 August 1860 have authorized the Minister
of Interior to grant a Crown Patent for the said land without decision
or Commutation with the Government.

Notalla, ma keia Palapala Sila Nui, ke hoike aku nei o Kamehameha, ko Ali nui a ke Aina i keia
 Ikonuikui i kaunohu ai nohuna o ke Hawaii Pae Aina, i na kanaka i poe i keia la, noho aia a no aia
 hope Ali na hoaila, a na hawaii aku oia ma ke *the studio* la *John*

i kela wahi a jua iua ma

ma ka mekapani o

[illegible]

Ua ka nana ana i na

Ua ke kope ana i na olelo a na hoike

Ua ke ana ana i ka la

Ua ke kope ana

Ua ka hoohele ana i ka olelo i ka la 28 o Maraki 1855.

H. E. Smith, G. M. Robertson, S. H. Kaulahao.

5.00

Ua hoohele aku makou i keia kuleana mamuli o na olelo a na Lanamau i hoo-
heleia ma ka la 19 o Iune M. H. 1852. o fili ana i na Eonohiki

Hele 8241. Ioane J.

P. P. 5. 32

Ua hoi mai oia ma kona Ahupuaa o Maupio ma Ewa, ma ka Mokupuni
o Oahu, no ke mea ua la a ia i keia aia no ka i oi Iamamamua 33, mai
i ka mahalo ana ana i ka M. H. 1848. a ua mohe heahele olelo a hiki i keia ma-
nana

Oia ka makou o hoohele nei no Ioane J. he kuleana hoo hoohele malalo iho o ke
Aio Aloha. Inoa aku mai oia i ke ke Ahupuaa Kapakolu, aiaola ua kupaia
iaia ka Palapala oia Aloha. Aia, hoohele na kuleana o na kanakas

Hawaii Housing Authority
845-6491

DOC NO 698788

LAND COURT
OFFICE OF THE REGISTRAR
RECEIVED

74 OCT 11 AM 11:55

William K. Gentry

NOTED ON CERTIFICATE NO. 169175
IN REGISTRATION BOOK PAGE
TRANSFER OF CERTIFICATE OF TITLE ISSUED
AND TRANSFERRED TO
REGISTRATION BOOK 1715 PAGE 113
BEING CERTIFICATE NO 171429 IN

OFFICE OF THE REGISTRAR
LAND COURT

RECEIVED

071332

STATE OF HAWAII	CONVEYANCE TAX....
PS OCT 11 '74 0872	00.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That MILILANI TOWN, JNC., a Hawaii corporation, whose principal place of business is 130 Merchant Street, Honolulu, Hawaii 96813, and whose mailing address is P. O. Box 2780, Honolulu, Hawaii 96803, hereinafter called "Grantor", in consideration of TEN DOLLARS (\$10.00) and other valuable consideration to it paid by the HAWAII HOUSING AUTHORITY, a public body and a body corporate and politic with perpetual existence under and by virtue of the laws of the State of Hawaii, whose principal place of business is 1002 North School Street, Honolulu, Hawaii 96817, and whose mailing address is P. O. Box 17907, Honolulu, Hawaii 96817, hereinafter called "Grantee", receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, forever, the following described property, to wit:

All of that certain parcel of land situate at Waipio, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT NO. 5417, area 433,885 square feet, as shown on Map 403, filed in the Office of the Assistant Registrar of the Land Court of Hawaii with Land Court Application No. 1000 of John Ii Estate, Limited, being a portion of the property covered by Transfer Certificate of Title No. 169,175 issued to Mililani Town, Inc., a Hawaii corporation.

TOGETHER WITH a nonexclusive appurtenant easement for road purposes over, along and upon Lots 5415 and 5410 as shown on Map 403 and described in said Certificate of Title No. 169,175; PROVIDED, HOWEVER, that in the event that said lots, or any of them, are conveyed to the State of Hawaii or City and County of Honolulu, or other governmental authority, said easement as to the lot or lots so conveyed shall immediately terminate.

EXCEPTING AND RESERVING, HOWEVER, unto the Grantor, its successors and assigns, for the period from the date hereof up to and including December 31, 1980, and not thereafter, the right to grant to the State of Hawaii, City and County of Honolulu, Board of Water Supply of the City and County of Honolulu or any other appropriate governmental agency or to any public utility easements for electrical, gas, communications and other utility purposes and for sewer, drainage and water facilities over, under, along, across and through said Lot 5417 under the usual terms and conditions required by such governmental agency or public utility for such easement rights; provided, however, that such easement rights must be exercised in such manner as to not unreasonably interfere with the use of said Lot 5417 by the Grantee, its successors and assigns, and in connection with the installation, maintenance or repair of any facilities pursuant to any of said easements the premises shall be promptly restored by and at the expense of the person owning and exercising such easement rights to the condition of the premises immediately prior to the exercise thereof, and the Grantee, by accepting this Deed, agrees that the Grantee and any person claiming an interest in said Lot 5417 by, through or under the Grantee will, upon request, join in and execute any and all documents designating and granting any such easements.

SUBJECT HOWEVER to the following:

1. Declaration of Covenants, Conditions and Restrictions, dated April 19, 1968, filed as Document No. 441561, as amended by Document No. 445150, and Annexation instrument, dated September 30, 1974, filed as Document No. 698082.

2. Grant of Easement in favor of Hawaiian Electric Company, Inc., dated September 16, 1974, filed as Document No. 696505 and assigned by Document No. 696506.

3. Grant to Oceanic Cablevision, Inc. by instrument, dated September 24, 1974 and filed as Document No. 698083.

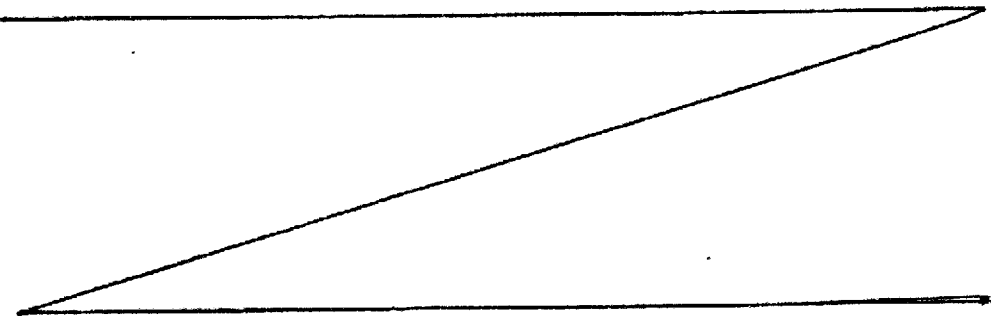
4. Easements 1522, 1523, 1524 and 1525 as shown on Map 415 as set forth by Land Court Order No. 40719 filed October 7, 1974. ←

5. Said Easements 1524 and 1525 are subject to grant of easement in favor of Waiahole Irrigation Company, Ltd., dated September 20, 1974 for ingress and egress filed as Document No. 698161. ←

6. Said Easements 1522, 1523 and 1525 are subject to grant of easement in favor of City and County of Honolulu and Board of Water Supply for water purposes, dated October 3, 1974 and filed as Document No. _____

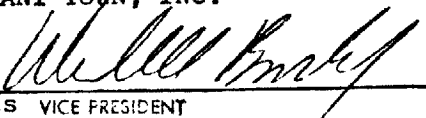
TO HAVE AND TO HOLD the same, together with the rents, issues and profits thereof, the improvements thereon, and the tenements, rights, easements, privileges, and appurtenances thereunto belonging, or appertaining, or held and enjoyed therewith, unto the Grantee and its successors and assigns forever.

AND said Grantor does hereby, for itself and its successors, covenant with said Grantee and its successors and assigns that it is lawfully seised in fee simple of said granted property and has good right to grant and convey the same as aforesaid; that said property is free and clear of all encumbrances, except as aforesaid and except for real property taxes assessed for the current year; and that it will, and its successors shall, warrant and defend the same unto the Grantee, its successors and assigns, forever, against the lawful claims and demands of all persons, except as aforesaid.



IN WITNESS WHEREOF, the Grantor has executed these
presents this 7th day of October, 19 74.

MILILANI TOWN, INC.

By 
Its VICE PRESIDENT

By 
Its SECRETARY

STATE OF HAWAII

1 ss.

CITY AND COUNTY OF HONOLULU)

On this _____ day of OCT - 1974, 19____.

G. YIM

before me appeared WENDELL BROOKS, JR. and _____,

to me personally known, who, being by me duly sworn, did say

that they are VICE PRESIDENT and SECRETARY.

respectively, of MILILANI TOWN, INC., a Hawaii corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation; that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and said Officers acknowledged this instrument to be the free act and deed of said corporation.

Lillian T. Osborn

Notary Public, First Circuit
State of Hawaii

My commission expires: May 21, 1978

May 21, 1978



HCR20
APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-944 MEHEULA
PARKWAY, NO. 153, MILILANI, HAWAII.
House Committee on Housing

March 16, 2015

8:30 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HCR20, which approves the sale of the leased fee interest in an apartment in the Nahoia Apartments affordable housing condominium complex. **This parcel does not appear to be “ceded” land and OHA does not oppose the sale of this parcel.**

HCR20 was offered for consideration by the Legislature in accordance with Act 176, Session Laws of Hawai‘i (SLH) 2009, and Act 169, SLH 2011, as amended. Act 176 requires a two-thirds majority approval by both houses of the Legislature before any specific lands controlled by the state can be sold. In addition, state departments must prepare and submit legislative resolutions containing detailed information regarding their anticipated land transactions, and share these resolutions with OHA at least three months prior to the opening of the legislative session. See HRS §§ 171-64.7(c). This three months detailed notice provides OHA with sufficient time to determine whether the land being sold constitutes “ceded” Hawaiian Kingdom crown or government lands. This process also provides OHA, legislators, as well as members of the public sufficient time to ensure that the contemplated sale is fair, equitable, and in the best interests of the state.

The language of HCR20 was provided to OHA in compliance with the three month notice requirement for the proposed disposition of public lands. This allowed OHA to independently confirm that the parcel being proposed for sale is not comprised of “ceded” lands. Accordingly, OHA does not oppose this sale.

Mahalo for the opportunity to testify on this measure.